

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 12/4/2019

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UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	19-CR-804 (VEC)
-against-	:	
	:	<u>ORDER</u>
ZHONGSAN LIU,	:	
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on November 19, 2019, the parties appeared for an arraignment;

WHEREAS Defendant pled not guilty;

WHEREAS the Court, pursuant to *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982), inquired into Defendant's informed and knowing waiver of potential conflicts of interest arising from his attorneys' representation of an uncharged co-conspirator and payment of legal fees by a third-party benefactor;

WHEREAS the Court continued the *Curcio* hearing to December 2, 2019, *see* Dkt. 28;

WHEREAS Defendant consulted with conflict-free CJA counsel about the risks of representation by conflicted attorneys before the continued *Curcio* hearing, *see* Dkt. 28;

WHEREAS on December 2, 2019, the parties and CJA counsel, Mr. Peter Brill, appeared for the continued *Curcio* hearing;

WHEREAS the Court, after conducting further inquiry into Defendant's informed and knowing waiver of conflict-free counsel, found that Defendant has knowingly and voluntarily waived his right to conflict-free counsel;

WHEREAS the Government represents that the discovery in this case is voluminous and complex and will require application of the Classified Information Procedures Act (“CIPA”); and

WHEREAS the Government represents that it has sent Defendant a proposed protective order but received no response;

IT IS HEREBY ORDERED that Defendant must inform the Court no later than **December 6, 2019**, whether Defendant objects to any portion of the Government’s proposed protective order.

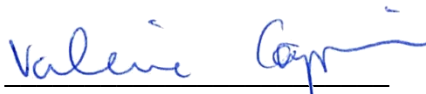
IT IS FURTHER ORDERED that an *ex parte* CIPA Section 2 hearing is scheduled for **December 17, 2019, at 10:00 a.m.** in the undersigned’s Chambers.

IT IS FURTHER ORDERED that a conference is scheduled for **February 6, 2020, at 3:00 p.m.** to set a trial schedule in this case. Defendant should be prepared at that time to discuss (i) how much time will be necessary to review the materials produced in discovery and (ii) likely pretrial defense motions.

IT IS FURTHER ORDERED that the Court excludes time under the Speedy Trial Act from December 2, 2019, through February 6, 2020. For the reasons stated on the record during the December 2, 2019, conference, the Court finds that Defendant’s interest in having adequate time to review the voluminous and complex discovery in this case and to adequately prepare for trial outweighs his and the public’s interests in a speedy trial.

SO ORDERED.

Date: December 4, 2019
New York, New York


VALERIE CAPRONI
United States District Judge